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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO.         | CONFIRMATION NO. |
|--|-------------|-----------------------|-----------------------------|------------------|
| 10/810,923   | 03/26/2004  | Christopher J. Lehane | PA-085.10843-US<br>(04-104) | 9383             |
| 34704  | 7590        | 10/13/2010            | EXAMINER                    |                  |
| BACHMAN & LAPOINTE, P.C.<br>900 CHAPEL STREET<br>SUITE 1201<br>NEW HAVEN, CT 06510 |             |                       | ELVE, MARIA ALEXANDRA       |                  |
|  |             | ART UNIT              | PAPER NUMBER                |                  |
|  |             | 3742                  |                             |                  |
|  |             | MAIL DATE             |                             | DELIVERY MODE    |
|  |             | 10/13/2010            |                             | PAPER            |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* CHRISTOPHER J. LEHANE, MICHAEL D. SHIRK,  
BRENT C. STUART, and J. PAUL ARMSTRONG

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Appeal 2011-000457  
Application 10/810,923  
Technology Center 3700

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Before STEVEN J. BARTLETT, *Division 2 Support Manager.*

ORDER DISMISSING APPEAL

On March 19, 2008, Appellant(s) filed a Notice of Appeal. Appellant(s) filed a communication on September 2, 2010. This communication will be considered as the Appellants exercising their option to Request to Reopen Prosecution in response to a new ground of rejection contained in the Examiner's Answer mailed on July 2, 2010. Per 37 C.F.R. § 41.39(b)(1), this request is treated as a request to withdraw the appeal.

Accordingly, the appeal in this application is dismissed.

Appeal 2011-000457  
Application 10/810,923

The application is being returned to the Examiner for further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

ELD

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NEW HAVEN, CT 06510